

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of:

Implementation of Sections 309(j) and 337 of  
The Communications Act Of 1934 as Amended

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) WT Docket No. 99-87  
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**COMMENTS OF  
THE NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL**

The National Public Safety Telecommunications Council (NPSTC) submits these Comments in response to the Commission's Public Notice in the above captioned proceeding concerning the Request for Limited Waiver filed by Motorola Solutions, Inc. (Motorola).<sup>1</sup> NPSTC appreciates the Commission's diligence in addressing this important VHF and UHF narrowbanding migration question. In these comments, NPSTC urges the Commission to expeditiously grant the Request for Limited Waiver. NPSTC supports Commission grant of this Request, and believes it is in the public interest by allowing Part 90 licensees in the 150-174 MHz and 421-470 MHz bands to keep their existing 25 kHz systems in full working order until they complete migration to narrowband technology, per their specific FCC authorized waiver extension.<sup>2</sup>

**The National Public Safety Telecommunications Council**

The National Public Safety Telecommunications Council is a federation of public safety organizations whose mission is to improve public safety communications and interoperability

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<sup>1</sup>Public Notice. Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau and Office of Engineering and Technology Seek Comment on Motorola Request for Limited Waiver of Section 90.203(j)(10) of the Commission's Rules, DA 12-1977, released December 7, 2012.

<sup>2</sup> NPSTC addresses these Comments in terms of public safety licensees. Industrial/business licensees also operate in these bands and it is not our intension to suggest separate consideration or decisions for these licensees.

through collaborative leadership. NPSTC pursues the role of resource and advocate for public safety organizations in the United States on matters relating to public safety telecommunications. NPSTC has promoted implementation of the Public Safety Wireless Advisory Committee (PSWAC) and the 700 MHz Public Safety National Coordination Committee (NCC) recommendations. NPSTC explores technologies and public policy involving public safety telecommunications, analyzes the ramifications of particular issues and submits comments to governmental bodies with the objective of furthering public safety telecommunications worldwide. NPSTC serves as a standing forum for the exchange of ideas and information for effective public safety telecommunications.

The following 15 organizations participate in NPSTC:

- American Association of State Highway and Transportation Officials
- American Radio Relay League
- Association of Fish and Wildlife Agencies
- Association of Public-Safety Communications Officials-International
- Forestry Conservation Communications Association
- International Association of Chiefs of Police
- International Association of Emergency Managers
- International Association of Fire Chiefs
- International Municipal Signal Association
- National Association of State Chief Information Officers
- National Association of State Emergency Medical Services Officials
- National Association of State Foresters
- National Association of State Technology Directors
- National Emergency Number Association
- National Sheriffs' Association

Several federal agencies are liaison members of NPSTC. These include the Department of Homeland Security (the Federal Emergency Management Agency, the Office of Emergency Communications, the Office of Interoperability and Compatibility, and the SAFECOM Program); Department of Commerce (National Telecommunications and Information Administration); Department of the Interior; and the Department of Justice (National Institute of Justice, CommTech Program). In addition, Public Safety Europe is also a liaison member. NPSTC has relationships

with associate members, the Telecommunications Industry Association, the Canadian Interoperability Technology Interest Group, the National Council of Statewide Interoperability Coordinators, the Utilities Telecom Council and the Alliance for Telecommunications Industry Solutions.

### **NPSTC Comments**

As highlighted in the Motorola Request for Limited Waiver, the Commission is requested to consider the same rationale for this Request as it used in allowing continued manufacturing and importing of 25 kHz capable equipment to meet the needs of licensees in the 470-512 MHz (T-Band) spectrum. NPSTC agrees that public safety licensees who have been granted waivers to temporarily continue operating their Part 90 systems in the 150-174 MHz and 421-470 MHz must have the same ability to procure the necessary customized, newly manufactured equipment during the migration to narrowband operation. While the existing rules permit manufacturers to continue to market and sell 25 kHz capable equipment out of inventory after the end of this year, as long as it was manufactured or imported prior to the January 1, 2013 deadline, we agree that many public safety licensees, especially larger agencies, operate systems that require custom manufactured equipment to meet their specific operational requirements. As a result, licensees may likely find that the specific radio equipment required for their communications system is not available from vendor inventory.

The Commission in its 2010 Narrowband Waiver Order also used similar rationale for granting a blanket waiver of January 1, 2011 interim deadline for the manufacture and import of equipment capable of operating with only one voice path per 25 kHz of spectrum.<sup>3</sup> The Order granted the portion of the NPSTC Petition for Stay of January 1, 2011 Interim Narrowband Implementation Dates that specifically argued that prohibition of the manufacture and import of

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<sup>3</sup> Order. Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended, FCC 10-119, released June 30, 2010.

equipment that includes a 25 kHz mode will hamper public safety interoperability between that date and the January 1, 2013 operating deadline. In its Order the Commission agreed that it would be contrary to the public interest to prevent licensees from keeping 25 kHz systems in full working order until they complete the migration to narrowband technology.<sup>4</sup>

In response to the Public Notice requests, NPSTC agrees that the public interest would best be served by granting a limited waiver to allow the continued manufacture and import of 25 kHz capable equipment for the marketing and sale to those licensees granted a narrowbanding waiver of the Commission's January 1, 2013 deadline. We also believe that a blanket waiver for all manufacturers, as requested by Motorola, is the most efficient means of providing this relief. This avoids the need for each licensee granted a narrowband waiver to submit an additional individual manufacturing/import waiver request on a case-by-case basis, thereby significantly reducing processing workload for both licensees and the Commission.

NPSTC agrees with the proposal limiting the manufacture and import of 25 kHz capable equipment to only those licensees who have been granted a narrowband waiver to continue operating in 25 kHz mode after the January 1, 2013 deadline, and limiting the length of the waiver on such manufacture and import to the same duration of the narrowband waiver granted to that licensee.

### **Conclusion**

In summary, NPSTC commends the Commission for expeditiously addressing the Motorola Request for Limited Waiver of the manufacturing and import restrictions on 25 kHz capable equipment after the January 1, 2013 narrowbanding deadline in the 150-174 MHz and 421-470 MHz bands, limited to those licensees that have been granted a narrowbanding waiver extension. NPSTC urges the Commission to grant this Request, and believes it is in the public interest to allow licensees to keep their existing 25 kHz systems in full working order until they complete migration to

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<sup>4</sup> Id., ¶8

narrowband technology. We believe that Commission grant of this limited waiver is consistent with previous similar manufacturing/import waiver decisions issued in the T-Band and the VHF/UHF interim January 1, 2011 date.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ralph A. Haller", written over a horizontal line.

Ralph A. Haller, Chairman

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